

suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the senate on April 17, 1975: Yeas 30, Nays 0; passed the house on May 31, 1975: Yeas 128, Nays 9.

Approved June 19, 1975.

Effective June 19, 1975.

WATER CODE—BAYS AND ESTUARIES—ECOLOGICAL ENVIRONMENT

CHAPTER 344

S. B. No. 137

An Act amending the Water Code as follows: declaring as public policy of the state the maintenance of the ecological environment of the bays and estuaries in the conservation and development of the state's natural resources; directing the Texas Water Rights Commission in the consideration of any permit to store, take, or divert water to assess the effects thereof upon the bays and estuaries of Texas; directing the Texas Water Development Board to investigate the effects of fresh water inflows upon bays and estuaries of Texas and to complete comprehensive studies regarding the development of methods of providing and maintaining the ecological environment thereof; directing the Texas Water Rights Commission, the Texas Water Quality Board, the General Land Office, the Parks and Wildlife Department, and the Coastal and Marine Council to assist and cooperate in the conduct of such studies and investigations; repealing laws in conflict; making appropriations; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 1.003 of Chapter 1, Water Code, is amended¹⁶ to read as follows:

"Sec. 1.003. Public Policy

"It is the public policy of the state to provide for the conservation and development of the state's natural resources, including:

"(1) the control, storage, preservation, and distribution of the state's storm and floodwaters and the waters of its rivers and streams for irrigation, power, and other useful purposes;

"(2) the reclamation and irrigation of the state's arid, semiarid, and other land needing irrigation;

"(3) the reclamation and drainage of the state's overflowed land and other land needing drainage;

"(4) the conservation and development of its forest, water, and hydroelectric power;

"(5) the navigation of the state's inland and coastal waters; and

"(6) the maintenance of a proper ecological environment of the bays and estuaries of Texas and the health of related living marine resources."

Sec. 2. Subchapter D of Chapter 5, Water Code, as amended, is amended by adding¹⁷ Section 5.145 to read as follows:

"Sec. 5.145. Effects of Permit on Bays and Estuaries

"In its consideration of an application for a permit to store, take, or divert water, the commission shall assess the effects, if any, of the issuance of such permit upon the bays and estuaries of Texas."

16. V.T.C.A. Water Code, § 1.003.

17. V.T.C.A. Water Code, § 5.145.

Sec. 3. Section 11.062 of Chapter 11, Water Code, as amended, is amended¹⁸ to read as follows:

"Sec. 11.062. Studies, Investigations, Surveys

"(a) The staff shall make studies, investigations, and surveys of the occurrence, quantity, quality, and availability of the surface water and groundwater of this state. For these purposes the staff shall collect, receive, analyze, and process basic data concerning the water resources of the state.

"(b) The staff shall:

"(1) determine suitable locations for future water facilities including reservoir sites;

"(2) locate land best suited for irrigation;

"(3) make estimates of the cost of proposed irrigation works and the improvement of reservoir sites;

"(4) examine and survey reservoir sites; and

"(5) investigate the effects of fresh water inflows upon the bays and estuaries of Texas.

"(c) The staff shall keep full and proper records of its work, observations, data, and calculations, all of which are the property of the state.

"(d) In performing its duties under this section, the staff shall assist the commission in carrying out the purposes and policies stated in Section 6.054 of this code."

Sec. 4. Subchapter D of Chapter 11, Water Code, as amended, is amended by adding¹⁹ Section 11.108.

"Sec. 11.108. Studies of Bays and Estuaries

"The board shall carry out comprehensive studies of the effects of fresh water inflows upon the bays and estuaries of Texas, which studies shall include the development of methods of providing and maintaining the ecological environment thereof suitable to their living marine resources. The studies shall be completed and the results published by December 31, 1979. The Texas Water Rights Commission, the Texas Water Quality Board, the General Land Office, the Parks and Wildlife Department, and the Texas Coastal and Marine Council are authorized and directed to assist and cooperate in all possible ways with the board in this undertaking."

Sec. 5.²⁰ There is hereby appropriated to the Texas Water Development Board \$250,000 for fiscal year 1976 and any unexpended balances for fiscal year 1977 in addition to funds appropriated to the board in the General Appropriations Act for bay and estuary studies and fresh water inflow needs of those systems.

Sec. 6.²⁰ Any law in conflict with the provisions of this Act is specifically repealed to the extent the same is in conflict.

Sec. 7. The fact that the absence of regulatory authority over the quantities of fresh water inflows into the bays and estuaries of Texas has the possibility of degradation of the ecological environment creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the senate on March 25, 1975, by a viva-voce vote; May 30, 1975, senate refused to concur in house amendments and requested appointment of Conference Committee; May 31, 1975, house granted

18. V.T.C.A. Water Code, § 11.062.

19. V.T.C.A. Water Code, § 11.108.

20. V.T.C.A. Water Code, § 11.108 note.

request of the senate; June 2, 1975, senate adopted Conference Report: Yeas 31, Nays 0; passed subject to the provisions of Article III, Section 49a of the constitution; passed the house, with amendments, on May 29, 1975: Yeas 136, Nays 5, 6 present not voting; May 31, 1975, house granted request of the senate for appointment of Conference Committee; June 2, 1975, house adopted Conference Report: Yeas 118, Nays 15, 2 present not voting; passed subject to the provisions of Article III, Section 49a of the constitution.

Approved June 19, 1975.

Effective June 19, 1975.

PARKS AND WILDLIFE COMMISSION—HEALTH AND SAFETY REGULATIONS—PUBLIC WATERS—FINE RETENTION

CHAPTER 345

S. B. No. 142

An Act relating to regulations of the Parks and Wildlife Commission for the health, safety, and protection of persons and property on water within the boundaries of state parks, historic sites, scientific areas, or forts; allowing the retention by a justice or county court of 15 percent of the fines imposed for deposit in the county treasury; amending Sections 1 and 4, Chapter 383, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6067b, Vernon's Texas Civil Statutes); and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 1, Chapter 383, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6067b, Vernon's Texas Civil Statutes), is amended ²¹ to read as follows:

Section 1. The Parks and Wildlife Commission is hereby authorized to promulgate reasonable rules and regulations governing the health, safety and protection of persons and property within state parks, historic sites, scientific areas, or forts, including any public water encompassed within the boundaries of state parks, historic sites, scientific areas, or forts, administered by the Parks and Wildlife Department, as may hereafter be necessary. Said rules and regulations may be promulgated to govern the conservation, preservation and use of state property whether natural features or constructed facilities; the abusive, disruptive or destructive conduct of persons; the activities of park users including camping, swimming, boating, fishing or other recreational activities; the disposal of garbage, sewage or refuse; the possession of pets or animals; the regulation of traffic and parking; and the conduct of individuals which endangers the health or safety of park users or their property.

Sec. 2. Section 4, Chapter 383, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6067b, Vernon's Texas Civil Statutes), is amended ²² to read as follows:

Sec. 4. All revenue collected from fines imposed upon violators of regulations duly promulgated by authority of this Act shall be transmitted

21. Vernon's Ann.Civ.St. art. 6067b, § 1.

22. Vernon's Ann.Civ.St. art. 6067b, § 4.